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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of)
)
International Settlement Rates) IB Docket No. 96-261
)
Petition of AT&T, MCI WorldCom and Sprint for) DA 99-479
Enforcement of International Settlements Bench-)
mark Rates for Services with the Netherlands)
Antilles)

To the Commission:

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MOTION FOR EXTENSION OF TIME
TO FILE COMMENTS AND REPLY COMMENTS

Pursuant to Section 1.46 of the Commission's Rules, Antelecom N.V. ("Antelecom"), by its attorneys,¹ hereby requests that the Commission extend the time to file comments and reply comments to the Petition in the above-captioned proceeding filed by AT&T Corp. ("AT&T"), MCI WorldCom, Inc. ("MCI WorldCom") and Sprint Communications Company, L.P. ("Sprint") (collectively, "Petitioners") on February 25, 1999.² Specifically, Antelecom requests that the Commission extend the deadline to file comments and reply comments in this proceeding by 90

¹ Wilkinson, Barker, Knauer & Quinn, LLP, was only recently retained by Antelecom for representation in the instant proceeding, on March 22, 1999.

² Petition of AT&T, MCI WorldCom and Sprint for Enforcement of International Settlements Benchmark Rates for Services with the Netherlands Antilles, IB Docket No. 96-261, filed Feb. 25, 1999. See also FCC Public Notice, *Petitions for Enforcement of International Settlement Benchmark Rates*, DA 99-479, rel. Mar. 10, 1999.

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days. Thus, comments will be due with the Commission on July 13, 1999 and reply comments will be due on July 23, 1999.³

Although Antelecom is not a party to the Petition, clearly the Petition would have a direct impact on the status of the private contractual relationship between Antelecom and the Petitioners. Antelecom believes that this matter is best resolved through private negotiation of the affected parties that avoids governmental intervention. Grant of the instant motion will provide Antelecom with the time necessary to fully ascertain whether meaningful and productive negotiation is possible with each of the Petitioners, and if so, to further engage⁴ in the negotiation of revised rates that achieves the internationally-recognized goals of settlement rate reform between the Netherlands Antilles and the United States. Such a result would render the Petition, and any cause for FCC action in this matter, moot. It would also avoid the prospect of confrontation between the U.S. and Antillean Governments over this issue.

Alternatively, in the absence of significant progress toward the successful renegotiation of such rates in the very near future despite best efforts by *all* of the parties, additional time would be needed for Antelecom to engage in the necessary consultation and coordination with its Government

³ In the *Report and Order* that is the basis for the captioned enforcement petition, the Commission indicated that it would provide an additional ten days after the filing date for comment for the submission of reply comments. *In the Matter of International Settlement Rates*, 12 FCC Rcd. 19806, 19894 (1997), *aff'd sub. nom.*, *Cable and Wireless v. FCC*, No. 97-612 (D.C. Cir. Jan. 12, 1999) (“*Benchmarks Order*”). Such an additional ten days here would result in the July 23 reply comment filing date.

⁴ Antelecom has not been engaged in discussion or negotiation related to revised rates by either Petitioners MCI WorldCom or Sprint. Nor does Antelecom believe that AT&T’s efforts at renegotiation so far have been as exhaustive of the possibility of successful negotiation as the Petition suggests.

regarding the course of action that it would be required to take at such a juncture. Antelecom believes that its comments to the Petition would be very beneficial to the record in this proceeding if and when negotiations prove unsuccessful. The grant of the instant Motion would allow Antelecom sufficient addition time beyond the end of meaningful negotiation to document and prepare for presentation to the Commission the information and data necessary to provide a fulsome set of comments and to otherwise address the issues raised in the Petition.

Accordingly, for each of these reasons, Antelecom requests that the Commission grant the instant motion.⁵

I. BACKGROUND

Antelecom is the exclusive long distance provider for the Netherlands Antilles. As such, all national calls between the five islands that compromise the Netherlands Antilles⁶ and all international calls from these islands to any other country are carried exclusively by Antelecom. Through the Kingdom of the Netherlands, the Netherlands Antilles is a member and active participant in both the International Telecommunications Union ("ITU") and the World Trade Organization ("WTO"). Additionally, the Netherlands Antilles is currently developing a schedule to work with the WTO and to become a signatory to the WTO Basic Agreement on Telecommunications Services.

⁵ Antelecom has contacted each of the Petitioners seeking to obtain their consent to additional time for negotiation and, if necessary, the filing of comments. Each of the Petitioners indicated that, in their opinion, no additional time is necessary to file comments. Antelecom has also previously notified FCC staff of its desire for additional time.

⁶ The Netherlands Antilles is comprised of the following five islands: Curaçao, St. Maarten, Bonaire, Saba and St. Eustatius. Each island has its own local exchange carrier which are independent of one another and of Antelecom.

As the sole long distance carrier in the Netherlands Antilles, Antelecom is highly involved in — and highly affected by — both national and international policy related to international telecommunications services. A major portion of Antelecom's international traffic involves the origination of calls to, and termination of calls from, the United States. Accordingly, the accounting rates governing this traffic have a significant impact on Antelecom's annual revenues.

The Government of the Netherlands Antilles has adopted legislation and regulations for the telecommunications sector of the country and is in the midst of their implementation. To this end, efforts are underway for the creation of an independent regulatory authority, privatization of Antelecom, upgrading the current infrastructure, reducing personnel, rebalancing local and long distance tariffs, and the achieving of universal service. In light of the dependence upon international revenues to achieve these objectives, the results of the revision of the settlement rates with the U.S. carriers are of critical importance to Antelecom and the Netherlands Antilles.

II. PRIVATE NEGOTIATION HAS NOT BEEN FULLY EXPLORED BY THE PETITIONERS

As indicated by AT&T in the Petition, Antelecom has discussed the renegotiation of settlement rates with AT&T. Antelecom is committed to the negotiation of revised rates which achieve the internationally-recognized goals of settlement rate reform, as set most recently in the Report of ITU-S Study Group 3, COM 3-R 14-E, January 1999. To date, Antelecom has not been contacted by either MCI WorldCom or Sprint to discuss the renegotiation of the rates. Moreover, Antelecom does not believe that the discussions between Antelecom and AT&T have been progressed to the point that recourse to an FCC enforcement action is necessary or a more constructive use of the parties' time than further negotiations. (Indeed, Antelecom's last meeting with AT&T occurred over 4 months ago.) Antelecom has a number of ideas and proposals that it

hopes will lead to a successful revision of the rates which it has not yet been given a chance to propose to all Petitioners.

It is, therefore, in the interest of all affected parties to redouble their collective efforts to reach a mutually-satisfactory revision of the rates through private agreement. To this end, Antelecom seeks the instant extension of time to fully probe whether further negotiation will likely be fruitful, and to engage in such negotiation with all parties, before any action by the FCC is considered. In the absence of meaningful progress toward a private negotiated result, Antelecom would intend to fully present a report on the unsuccessful negotiation and a full explanation of its position relative to issues raised by the Petitioners to the Commission, consistent with the requirements placed upon it by its Government.

III. MEANINGFUL PARTICIPATION BY ANTELECOM IN THE CAPTIONED PROCEEDING WILL REQUIRE ADEQUATE TIME TO PREPARE AND DOCUMENT ANTELECOM'S COMMENTS

Antelecom is in the process of analyzing the effects of the Commission's *Benchmarks Order*⁷ on its revenues and devising proposals which not only reduce the international settlement rate reform goals to which it subscribes, but also the national telecommunications objectives to which it is subject by its Government. In order to assist it in understanding the Commission's *Benchmarks Order* and addressing the underlying petition, Antelecom has just recently retained the assistance of undersigned counsel. Antelecom is still in consultation with its Government regarding the effect of the just-affirmed *Benchmarks Order* on any agreements involving Antelecom, and regarding

⁷ As the FCC is aware, review of the *Benchmarks Order* by the U.S. Court of Appeals has only recently been completed. *See, supra*, note 3.

efforts underway by its Government and other multilateral organizations regarding the international settlement rates matter.

Moreover, in order to properly address the issues raised by Petitioners in useful comments, Antelecom will need to gather information regarding the evolving competitive environment in the Netherlands Antilles' communications sector, including in the long distance arena, as well as information regarding the costs associated with providing international termination service. The final collection and interpretation of such information alone could take several weeks. Thus, in the absence of fruitful negotiation over the coming weeks, Antelecom would then need additional time to prepare a complete set of comments to the Commission fully addressing the effects of the international settlement rate benchmarks on the Netherlands Antilles.

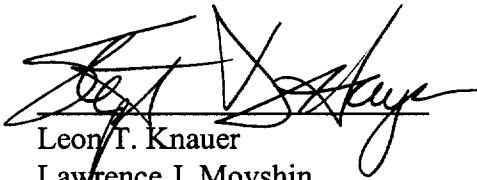
Accordingly, in order to collect the information necessary to fully address the issues raised by Petitioners and to fully coordinate with its Government regarding multilateral organizations and agreements entered into by the Government, Antelecom hereby requests the references extension of the comment and reply comment period in the instant proceeding.

IV. CONCLUSION

For the foregoing reasons, Antelecom requests that the comment and reply comment periods in the captioned proceeding be extended as requested herein.

Respectfully submitted,

ANTELECOM N.V.

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April 7, 1999

CERTIFICATE OF SERVICE

I, Cathi Huber, hereby certify that on this 7th day of April 1999, a copy of the foregoing "Motion for Extension of Time to File Comments and Reply Comments" was served by U.S. mail, postage prepaid to the following:

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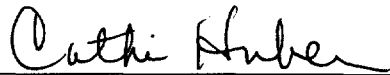
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